

Express Mail Label No. EV074977306US

Date of Deposit: December 13, 2002



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

OIP  
DEC 13 2002

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/072.012	02/08/2002	Velizar T. Tchernev	21402-258 (CURA-558)

CONFIRMATION NO. 8120

## FORMALITIES LETTER



\*OC000000008048751\*

MINTZ, LEVIN, COHN, FERRIS,  
SLOVSKY and POPEO, P.C.  
One Financial Center  
Boston, MA 02111

Date Mailed: 05/13/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

12/17/2002 MBLANCO 00000002 10-72012

FILED UNDER 37 CFR 1.53(b)

12/17/2002

65.00 OP

Filing Date Granted

## Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Adjustment date: 01/31/2003 MBLANCO  
12/17/2002 MBLANCO 00000002 10072012  
01 FC:2051

-65.00 OP

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at

01/31/2003 MBLANCO 00000005 500311 10072012

130.00 OP

01 FC:1051

patin21help@uspto.gov or patin3help@uspto.gov

**Items Required To Avoid Processing Delays:**

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

---

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Express Mail Label No.: EV074977306US

Date of Deposit: December 13, 2002

Attorney Docket No. 21402-258 (Cura-558)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Tchernev *et al.*

SERIAL NUMBER: 10/072,012

EXAMINER: Not Yet Assigned

FILING DATE: January 31, 2002

ART UNIT: 1632

TITLE: PROTEINS AND NUCLEIC ACIDS ENCODING SAME

Decemeber 13, 2002  
Boston, Massachusetts

**Box Sequence**

U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

**TRANSMITTAL LETTER**

Enclosed herewith are the following for the above-identified non-provisional patent application:

1. Copy of Notice to File Missing Parts of Nonprovisional Application (2 pgs.);
2. Preliminary Amendment and Response to Notice to File Missing Parts (42 pgs.);
3. Check No. 15136 in the amount of \$65.00;
4. Combined Declaration and Power of Attorney for Patent Application (5 counterparts, 9 pgs each = 45 pages);
5. Petition for Five-Month Extension of Time (1 pg.);
6. Check No. 15135 in the amount of \$980.00;
7. Sequence Listing – paper copy (1 disk);
8. Statement in Support of Computer Readable Form (1 page);
9. Sequence Listing, Computer Readable Form (1 disk);
10. Copy of Petition under 37 C.F.R. §1.47(a) (5 pgs.); and
11. Return postcard.

Postment date: 01/31/2003 MMARNOL  
01/17/2002 BALANCE 00000002 10072012  
01 FC:2255 -980.00 OP

01/31/2003 MMARNOL 00000005 500311 10072012  
02 FC:1255 1045.00 CN 915.00 OP

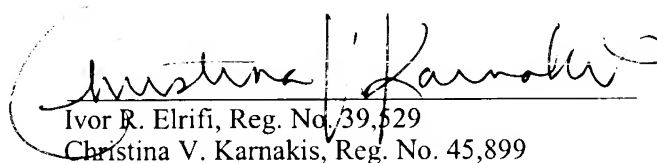
Serial No. 10/072,012  
Applicants: Tchernev, *et al.*

The Applicant in the above-identified application is now a small entity, and is therefore entitled to claim status as a small entity.

Applicant believes that no additional fees are due with this submission. However, the Commissioner is hereby authorized to charge any fee that may be due, or to credit any overpayment, to Deposit Account No. 50-0311 (Reference No. 21402-258 (Cura-558)). A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,

Date: December 13, 2002

  
Ivor R. Elrifi, Reg. No. 39,529  
Christina V. Karnakis, Reg. No. 45,899

Attorneys for Applicants  
c/o MINTZ, LEVIN  
One Financial Center  
Boston, Massachusetts 02111  
Tel: (617) 542-6000  
Fax: (617) 542-2241



30623

PATENT TRADEMARK OFFICE

TRA 1743466v1

Express Mail Label No.: EV074478297US  
Date of Deposit: December 13, 2002

Attorney Docket No. 21402-258 (Cura 558)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Tchernev *et al.*

SERIAL NUMBER: 10/072,012

EXAMINER: Not Yet Assigned

FILING DATE: January 31, 2002

ART UNIT: 1632

TITLE: PROTEINS AND NUCLEIC ACIDS ENCODING SAME

BOX DAC

Commissioner for Patents  
Washington, D.C. 20231

TRANSMITTAL

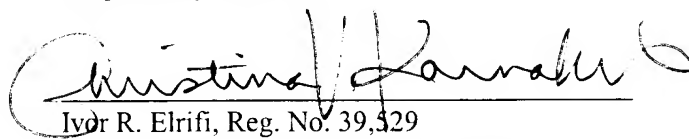
1. Petition for Filing Patent Application under 37 C.F.R. § 1.47(a) (5 pgs.);
2. Exhibits A-F (100 pgs. including tabs);
  - A. Copy of Employment Agreement (4 pgs.);
  - B. Copy of Combined Declaration and Power of Attorney (5 counterparts; 45 pgs. total);
  - C. Copy of Letter dated December 4, 2002 (1 pg.);
  - D. Copy of E-mail dated December 11, 2002 (3 pgs.); and
  - E. Copy of Preliminary Amendment and Response to Notice to File Missing Parts (42 pgs.);
3. Check No. 15130 in the amount of \$130.00; and
4. Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at telephone (617) 542-6000.

Applicants believe that no additional fees are due, however the Commissioner is hereby authorized to charge any fees which may be required or to credit any overpayments to Deposit Account No. 50-0311 (Reference No. 21402-258 (Cura-558)).

Respectfully submitted,

Dated: December 13, 2002



Ivor R. Elrifi, Reg. No. 39,529  
Christina V. Karnakis, Reg. No. 45,899  
Attorneys for Applicant  
c/o Mintz, Levin

One Financial Center  
Boston, MA 02111  
Telephone: (617) 542 6000  
Fax: (617) 542 2241



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PATENT TRADEMARK OFFICE



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TECH CENTER 1600/2906

December 4, 2002

**Via Fed EX**

Denise Lepley, Ph.D.  
UConn Health Center/Ctr for Vascular Biology  
ARB Bldg-E5052  
263 Farmington Avenue  
Farmington, CT 06030-3501

**Re: Formal Documents for Execution  
US and PCT Applications**

Dear Denise:

Enclosed, please find the Assignment and Declaration for Cura 558. In order for CuraGen to continue prosecution for this case, we ask that you complete the following:

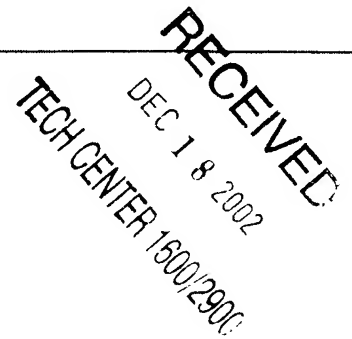
- Review the documents
- Make any necessary changes (**initial any changes**)
- Execute where indicated with blue ink
- Sign the Assignment in front of a Notary and then have it notarized

Then return to me as soon as possible via FEDEX (CuraGen account no.1720-1071-7), charging the service to us, no later than Friday, Dec. 6, 2002. In order to avoid paying an additional fee we ask that you please sign and date and fax the Declaration (only) to Sue Batty-Gunn at Mintz Levin (617-542-2241) then return the hard copies to me at CuraGen.

We appreciate your assistance and apologize for any inconvenience. But as you may recall from your time at CuraGen, this is a legal requirement and we have no choice but to ask you to execute these documents. Thanks for all your help and if you have any concerns or questions, please let me know.

Sincerely,

Nicole Carlucci  
Administrative Assistant



**Biswas, Naomi**

**From:** Lawson, Jenell [jlawson@CuraGen.com]  
**Sent:** Thursday, December 12, 2002 4:05 PM  
**To:** Elrifi, Ivor  
**Cc:** McLeod, Christopher; Carlucci, Nicole; Malicki, Jannine; Davis, Wendy; Biswas,  
**Subject:** RE: CURA-558 (10/072,012)  
Good afternoon Ivor (Smile)

As a follow-up to our telephone conversation this afternoon, below is a brief synopsis of the situation with Denise Lepley. Fay LaSasso is faxing you a copy of her CDA and her exit interview form.

Her contact information is as follow:

**Denise M. Lepley, Ph.D.**

Research Scientist Connecticut Children's Medical Center Dept. of Pediatric Urology

Univ. of Connecticut Health Center ( Center for Vascular Biology)

Ph: (860) 679-4161

Fax: (860) 679-1201

dlepley@uchc.edu

Wendy Davis is the contact person on the Prosecution Team for this case (she is out of the office until Monday) I spoke to her (Wendy) and explained the situation, she has agreed that if Mintz is unable to get Denise to cooperate, please handle Cura 558 the same way we did the Cura 175 family (with Kumud).

Please keep us abreast of any new developments and if there are any documents for Chris to execute, please send us an electronic copy,

Thank you so much for your help and have a wonderful evening

Jenell Marie Lawson  
Legal Administrator- Patents  
CuraGen Corporation  
16 Commercial Street  
Branford, CT 06405  
Phone: (203) 871-2118  
Fax: (203) 315-4146

"To the world you may be one person, but to one person, you may be the world."

12/13/2002

.....-Anonymous

Privileged and Confidential  
Intellectual Property Department

-----Original Message-----

**From:** Malicki, Jannine  
**Sent:** Wednesday, December 11, 2002 4:47 PM  
**To:** Lawson, Jenell  
**Cc:** McLeod, Christopher; Carlucci, Nicole  
**Subject:** RE: CURA-558 (10/072,012)

Jenell:

She said that she wasn't aware of the extent of the work she would have to do - signing, walking the documents to a notary, walking back to the FEDX drop off point - it was all more than she thought she would have to do. I reminded her of her obligation to her signed CDA, and then said that perhaps if we compensated her for her time, she would consider all the work. She said she'd be willing to have her name removed from this patent and future patents as "this is more work than she thought she'd be responsible for". There was no reasoning with her. Sorry.

Jannine

-----Original Message-----

**From:** Lawson, Jenell  
**Sent:** Wednesday, December 11, 2002 4:36 PM  
**To:** Malicki, Jannine  
**Cc:** McLeod, Christopher; Carlucci, Nicole  
**Subject:** FW: CURA-558 (10/072,012)

Good afternoon Jannine (Smile)

Thank you for your help with contacting Denise. I have also attached the forms, which we need her to execute and return to us as soon as possible so we can continue the prosecution of this case.

If she is willing to comply, please have her contact me tomorrow morning and I will give her instruction.

If she is not please let Chris and I know, right away, because we will have to authorize Mintz Levin to file a continuation application (which will cost approximately \$1500.00).

Thank you so much for your help and have a wonderful day

Jenell Marie Lawson  
Legal Administrator- Patents  
CuraGen Corporation  
16 Commercial Street  
Branford, CT 06405  
Phone: (203) 871-2118  
Fax: (203) 315-4146

12/13/2002



"To the world you may be one person, but to one person, you may be the world."

.....-Anonymous

Privileged and Confidential  
Intellectual Property Department

-----Original Message-----

**From:** Batty-Gunn, Susan [mailto:SLBatty-Gunn@mintz.com]  
**Sent:** Tuesday, December 10, 2002 4:11 PM  
**To:** Lawson, Jenell; Carlucci, Nicole  
**Cc:** Biswas, Naomi; Coughlin, Sean; Karnakis, Christina  
**Subject:** CURA-558 (10/072,012)

Hi Jenell:

Attached please find the DPOA and Assignment for CURA-558. Please note we are still awaiting Denise Lepleys signature and the final deadline is Friday, December 13, 2002.

Should you need anything further or have any questions, please do not hesitate to contact me.

Sue

Sue Batty-Gunn  
Intellectual Property Department  
U.S. Specialties/Prosecution Specialist

STATEMENT OF CONFIDENTIALITY:

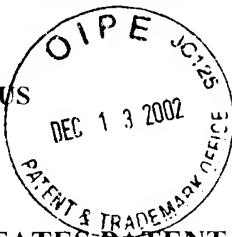
The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, please notify Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. immediately at either (617) 542-6000 or at [ISdirector@Mintz.com](mailto:ISdirector@Mintz.com), and destroy all copies of this message and any attachments.

LEGAL NOTICE:

Unless expressly stated otherwise, this message is confidential and may be privileged. It is intended for the addressee(s) only. Access to this e-mail by anyone else is unauthorized. If you are not an addressee, any disclosure or copying of the contents or any action taken (or not taken) in reliance on it is unauthorized and may be unlawful. If you are not an addressee, please inform the sender immediately.

12/13/2002

Express Mail Label No.: EV974977297US  
Date of Deposit: December 13, 2002



Attorney Docket No. 21402-258 (Cura 558)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Tchernev *et al.*

SERIAL NUMBER: 10/072,012

EXAMINER: Not Yet Assigned

FILING DATE: January 31, 2002

ART UNIT: 1632

TITLE: PROTEINS AND NUCLEIC ACIDS ENCODING SAME

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BOX DAC  
Commissioner for Patents  
Washington, D.C. 20231

**COPY**

TRANSMITTAL

1. Petition for Filing Patent Application under 37 C.F.R. § 1.47(a) (5 pgs.);
2. Exhibits A-F (100 pgs. including tabs);
  - A. Copy of Employment Agreement (4 pgs.);
  - B. Copy of Combined Declaration and Power of Attorney (5 counterparts; 45 pgs. total);
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Respectfully submitted,

Dated: December 13, 2002

Ivor R. Elrifi, Reg. No. 39,529  
Christina V. Karnakis, Reg. No. 45,899  
Attorneys for Applicant  
c/o Mintz, Levin

One Financial Center  
Boston, MA 02111  
Telephone: (617) 542 6000  
Fax: (617) 542 2241



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